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Austria, Belgium, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other human rights instruments,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in the field,

Aware that Myanmar is a party to the Convention on the Rights of the Child,[3] the Convention on the Elimination of All Forms of Discrimination against Women,[4] the Convention on the Prevention and Punishment of the Crime of Genocide,[5] and the Geneva Conventions of 12 August 1949 for the protection of victims of war,[6] as well as the Convention concerning Forced or Compulsory Labour, 1930 (Convention No. 29) and the Convention concerning Freedom of Association and Protection of the Right to Organize, 1948 (Convention No. 87), of the International Labour Organization,

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 44/25, annex.
[4] Resolution 34/180, annex.
[5] Resolution 260 A (III).
[6] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

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Bearing in mind Security Council resolution 1460 (2003) of 30 January 2003 on children and armed conflict, and the report of the Secretary-General pursuant thereto,[7]

Recalling its previous resolutions on the subject, the most recent of which is resolution 57/231 of 18 December 2002, those of the Commission on Human Rights, the most recent of which is resolution 2003/12 of 16 April 2003,[8] and resolution I adopted by the International Labour Conference at its eighty-eighth session, on 14 June 2000, concerning the practice of forced or compulsory labour in Myanmar,

Affirming that the will of the people is the basis of the authority of government and that the will of the people of Myanmar was clearly expressed in the elections held in 1990,

Affirming also that the establishment of a genuine democratic government in Myanmar is essential for the realization of all human rights and fundamental freedoms,

Recognizing that good governance, democracy, the rule of law and respect for human rights are essential to achieving sustainable development and economic growth,

Noting the increasing awareness of the Government of Myanmar of the need to comprehensively address the production of opium in Myanmar,

Taking note of the road map for the transition to democracy announced by the Prime Minister of Myanmar on 30 August 2003,

1. *Welcomes*:

(a) The visits to Myanmar by the Special Envoy of the Secretary-General for Myanmar during the past year, and the visits by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar;

(b) The steps undertaken by the international community, including support from countries in the region, to encourage the Government of Myanmar to resume its efforts towards national reconciliation and dialogue, pursuant to acknowledging the importance of strengthening democracy as a fundamental element of regional security, as noted in the statement adopted on 18 June 2003 at the Tenth Regional Forum of the Association of Southeast Asian Nations;

(c) The report of the Secretary-General;[9]

(d) The interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar;[10]

(e) The agreement, in Yangon on 27 May 2003, of the Joint Government of the Union of Myanmar-International Labour Organization Plan of Action for the Elimination of Forced Labour Practices in Myanmar, including the agreement on the establishment of an independent facilitator to assist possible victims of forced

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[7] A/58/546-A/2003/1053.

[8] To be issued in *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[9] A/58/325 and Add.1.

[10] See A/58/219.

labour, while noting that the conditions for the implementation of the Plan of Action do not exist at present;

(f) The continued cooperation of the Government of Myanmar with the International Committee of the Red Cross;

2. *Expresses its grave concern* at:

(a) The events of 30 May 2003, the corresponding, subsequent and continuing violations of human rights which constitute a serious setback for the human rights situation in the country, and the apparent involvement of the Government-affiliated Union Solidarity and Development Association in these events;

(b) The detention and the house arrest of Daw Aung San Suu Kyi, and the persistent denial of her human rights and fundamental freedoms, including freedom of movement, as well as the continued detention of other senior leaders of the National League for Democracy;

(c) The closure of offices of the National League for Democracy throughout the country and the increased surveillance and imprisonment of members and supporters of the League and other political organizations as well as the continuing detentions, inter alia, of prisoners whose sentences have expired;

(d) The systematic and consistent harassment and intimidation of members of the National League for Democracy by members of the Union Solidarity and Development Association;

(e) The lack of cooperation of the Government of Myanmar with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, particularly as concerns his proposal to visit ethnic nationality areas to investigate allegations of serious human rights violations;

3. *Expresses once again its grave concern* at:

(a) The ongoing systematic violation of human rights, including civil, political, economic, social and cultural rights, of the people of Myanmar, in particular:

(i) Extrajudicial killing; continuing use of torture; rape and other forms of sexual violence persistently carried out by members of the armed forces; unsatisfactory conditions of detention; forced relocation; wide disrespect for the rule of law and lack of independence of the judiciary; trafficking in persons; forced labour, including child labour; destruction of livelihoods and confiscation of land by the armed forces; and violations of the right to an adequate standard of living, including food, medical care and education;

(ii) Denial of freedom of expression, including freedom of the media, of association, of assembly and of movement;

(iii) Discrimination and persecution on the basis of religious or ethnic background suffered by persons belonging to ethnic minorities, women and children;

(b) The situation of the large number of internally displaced persons and the flow of refugees to neighbouring countries, and recalls in this context the obligations of Myanmar under international law;

4. *Calls upon* the Government of Myanmar:

(a) To initiate a full and independent inquiry, with international cooperation, into the Depayin incident of 30 May 2003 and its consequences for the human rights situation in Myanmar;

(b) To immediately facilitate and cooperate fully with the proposed investigation by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar into charges of rape and other abuse of civilians carried out by members of the armed forces in Shan and other States, including unhindered access to the region, and to guarantee the safety of those cooperating with and covered by the investigation;

(c) To immediately secure the safe and unhindered access to all parts of Myanmar of the United Nations and international humanitarian organizations so as to ensure the provision of humanitarian assistance and to guarantee that it reaches the most vulnerable groups of the population;

(d) To pursue through dialogue and peaceful means an immediate end to conflict with all the remaining ethnic groups with which ceasefire agreements have not yet been signed, and to live up to its obligations to improve the development and human rights situation in ceasefire areas;

(e) To take all necessary steps to pursue cooperation with the International Labour Organization, with a view to implementing fully the recommendations of the Commission of Enquiry established to examine the observance by Myanmar of the Convention concerning Forced or Compulsory Labour, 1930 (Convention No. 29) of the International Labour Organization; and to create an environment in which the Joint Government of the Union of Myanmar-International Labour Organization Plan of Action for the Elimination of Forced Labour Practices in Myanmar, and in particular the facilitator mechanism that it established, may be implemented in a credible manner;

5. *Strongly urges* the Government of Myanmar:

(a) To end the systematic violations of human rights in Myanmar and to ensure full respect for all human rights and fundamental freedoms;

(b) To immediately and unconditionally release Daw Aung San Suu Kyi, other leaders of the National League for Democracy, and members of the League detained on or after 30 May 2003, and to allow them to play a full role in bringing about national reconciliation and the transition towards democracy;

(c) To immediately and unconditionally release all other political detainees;

(d) To immediately reverse all the other "temporary" measures imposed following the 30 May 2003 incident, inter alia, by the reopening of all the offices of the National League for Democracy throughout the country;

(e) To immediately lift all restraints on peaceful political activity, and to fully guarantee freedom of expression, including freedom of the media, of association and of assembly;

(f) To put an end to impunity by investigating and bringing to justice any perpetrators of human rights violations, including members of the military, and the

Union Solidarity and Development Association, and other government agents in all circumstances;

(g) To enhance cooperation with the Special Envoy of the Secretary-General for Myanmar and the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar in order that the situation after 30 May 2003 may be assessed first-hand, to guide the country towards a transition to civilian rule, and to ensure that both the Special Envoy and the Special Rapporteur are granted full and free access to Myanmar and all persons cooperating with them are not subjected to any form of intimidation, harassment or punishment and that, while in Myanmar, they are provided with equal access to the leaders and members of all the country's political parties, including the National League for Democracy;

(h) To restore democracy and respect the results of the 1990 elections and to enter immediately into substantive and structured dialogue with Daw Aung San Suu Kyi and other leaders of the National League for Democracy directed towards democratization and national reconciliation and, at an early stage, include other political leaders in these talks, including representatives of the ethnic groups;

(i) To elaborate the road map for the transition to democracy, which is still lacking in such essential elements as concrete timing and an adequate plan for the involvement of all political groups and ethnic nationalities, in such a way as to assure that the process is transparent and inclusive;

6. *Once again urges* the Government of Myanmar, as its did in its resolution 57/231of 18 December 2002, and as done by the Commission on Human Rights in its resolution 2003/12 of 16 April 2003:

(a) To ensure the independence of the judiciary and due process of law;

(b) To consider as a matter of high priority becoming party to those r maining international human rights instruments to which it is not already party, and to comply fully with its obligations under international human rights instruments;

(c) To put an immediate end to the recruitment and use of child soldiers, inter alia, by some armed ethnic groups and ensure their disarmament, demobilization and reintegration, to end systematic enforced displacement and provide protection and assistance to internally displaced persons, to allow safe and dignified voluntary return of refugees, and to carry out the action appropriate to fighting the HIV/AIDS epidemic;

7. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and people of Myanmar as well as all relevant parties to the national reconciliation process;

(b) To report to the General Assembly at its fifty-ninth session and to the Commission on Human Rights at its sixtieth session on the progress made in the implementation of the present resolution;

(c) To give all necessary assistance in enabling his Special Envoy for Myanmar to implement the present resolution and, in the context of the facilitation

role, to explore any and all possibilities for discharging fully and effectively his mandate;

(d) To continue to give all necessary assistance to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar so as to enable him to discharge his mandate fully;

8. *Notes* that the international community, guided by the present and other resolutions, will, following positive developments in the country, comprehensively support the process of national reconciliation and restoration of democracy in Myanmar;

9. *Also notes* that the Secretary-General may wish to explore further courses of action within his competence that would promote improvement in the overall situation in Myanmar, and that to this end he may wish to consult with the international community and the Government of Myanmar;

10. *Decides* to continue the consideration of this question at its fifty-ninth session.